



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

October 19, 2020

**BY CM/ECF**

The Honorable Richard M. Berman  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Santos Felix*, 19 Cr. 228 (RMB)**

Dear Judge Berman:

The Government writes to respectfully request a 45-day adjournment of the sentencing proceeding in this matter, currently scheduled for October 21, 2020, at 9:00 a.m. via videoconference.

On March 3, 2019, defendant Cristopher Santos Felix was detained after assaulting a law enforcement officer who was seeking to arrest him. On October 23, 2019, defendant Cristopher Santos Felix pleaded guilty before the Honorable Debra Freeman to one count of assaulting a federal officer, in violation of 18 U.S.C. § 111(a)(1) and (b). On October 28, 2019, the Court accepted the defendant's plea before the magistrate court, and scheduled a sentencing proceeding for January 23, 2020. Sentencing was subsequently adjourned on several occasions, initially to permit the defendant to obtain a report from a sentencing mitigation specialist and later due to the COVID-19 pandemic. *See* Dkt. Nos. 47, 50, 52, 55, 58, 59, 63. On June 8, 2020, the defendant filed a sentencing submission in which he seeks a sentence of 33 months' imprisonment. Dkt. No. 56. On August 19, 2020, the Government filed a sentencing submission in which it sought a within the applicable Sentencing Guidelines range of 63 to 78 months' imprisonment. Dkt. No. 61. To date, the defendant has served less than 20 months in pretrial detention. Sentencing is currently scheduled for October 21, 2020, at 9:00 a.m. via videoconference.

The Government seeks a 45-day adjournment of the sentencing proceeding in this matter because an in person proceeding cannot be conducted on October 21, 2020, and the necessary findings cannot be made under the CARES Act to proceed via video conference or teleconference at this time.<sup>1</sup> After 45-days, it is more likely that an in-person sentencing could be held before the

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<sup>1</sup> Section 15002(b) of the CARES Act allows for sentencing proceedings to be held via video teleconferencing and telephone conferencing when the district judge "in a particular case finds for

Court. On October 19, 2020, I communicated with defense counsel, who has no objection to this request.

Thank you for your consideration of this matter.

Respectfully submitted,

AUDREY STRAUSS  
Acting United States Attorney

by:       /s/        
Kedar S. Bhatia  
Assistant United States Attorney  
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|---------------------------------------|--------------------------|
| Application granted. Sentencing is    |                          |
| adjourned to Tuesday, January 5, 2021 |                          |
| at 9:00 AM.                           |                          |
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|                                       |                          |
| SO ORDERED:                           | <i>Richard M. Berman</i> |
| Date: <u>10/20/2020</u>               |                          |
| Richard M. Berman, U.S.D.J.           |                          |

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specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.”